



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Gusler et al.

Serial No.: 09/439,054

Filed: November 12, 1999

For: Enhanced Backup and Recovery
Methodology

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Group Art Unit: 2177

Examiner: Le, Debbie M.

Attorney Docket No.: AT9-99-234

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Technology Center 2100

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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By: Dell Whitton
Dell Whitton

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
OFFICE ACTION NOT RECEIVED**

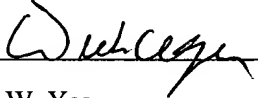
I hereby petition to withdraw the holding of abandonment in this case, on the basis that the Office Action forming the basis of the abandonment was not received. I hereby state: (a) the Office Action indicated, as mailed on July 31, 2002, was not received; and (b) a search of the file jacket and the docket records in my office indicates that this Office Action was not received.

I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed. As additional evidence of non-receipt of the Office Action, I also attach a statement from the person who would have handled the Office Action had it been received.

In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn, the Office Action as mailed on July 31, 2002, be re-dated and mailed so that our office can respond in a timely manner.

No fees are believed to be necessary. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,



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